

EXPANDED AGENDA
Board of Adjustment, District 3
Tuesday, December 9, 2014
J.P. Courtroom, County Service Center
126 W. 5th Street
Benson, Arizona

6:30 P.M. Call to Order

Roll Call (Introduce Board members, and explain quorum)

(Also explain procedure for public hearing, i.e., after Planning Director's Report, Applicant will be allowed 10 minutes; other persons will each have 5 minutes to speak and Applicant may have 5 minutes for rebuttal at end, if appropriate.)

Determination of Quorum

Approval of Previous Minutes

NEW BUSINESS

Item 1 (Page 1) – Introduce Docket and advise public who the Applicants are.

Docket BA3-14-08A (Arizona Trading, LLC):

The Applicant proposes to change the use of an existing Church to Retail Sales, and requests Variances from Section 1805.03.C. of the Cochise County Zoning Regulations, which requires all refuse containers at a non residential use to be screened from view.

The subject parcel, 106-70-128, is located at 101 N. 6th Street in Sierra Vista, AZ.

Applicant: Arizona Trading, LLC

- Call for PLANNING DIRECTOR'S PRESENTATION
- Declare PUBLIC HEARING OPEN
 - 1) Call for APPLICANT'S STATEMENT
 - 2) Call for COMMENT FROM OTHER PERSONS (either in favor or against)
 - 3) Call for APPLICANT'S REBUTTAL (if appropriate)
- Declare PUBLIC HEARING CLOSED
- Call for BOARD DISCUSSION (may ask questions of Applicant)
- Call for PLANNING DIRECTOR'S SUMMARY AND RECOMMENDATION
- Call for MOTION
- Call for DISCUSSION OF MOTION
- Call for QUESTION
- ANNOUNCE ACTION TAKEN (with Findings of Fact)

Call for Planning Director's Report

Call to the Public

ADJOURNMENT



COCHISE COUNTY **COMMUNITY DEVELOPMENT**

"Public Programs...Personal Service"

TO: Board of Adjustment, District 3
FROM: Peter Gardner, Planner I
FOR: Beverly Wilson, Planning Director
SUBJECT: Minutes of the Regular Meeting of November 18, 2014
DATE: December 2, 2014

Members Present:

Paul Brick, Chairman
Helen Barnard

Staff Present:

Peter Gardner, Planner I

Others Present:

Linda Weisman – Applicant
Earl McCabe - Applicant

These minutes for the BA3 meeting held on October 14, 2014 are complete only when accompanied by the memoranda for said meeting dated October 14, 2014.

Call to Order / Roll Call / Election:

Chairman Paul Brick called the meeting to order at 6:35 p.m. at the J.P. Courtroom at the County Service Center in Benson. He explained the procedures of the meeting to those present, and noted that he and Mr. Wales were present and that as such, a quorum was established and business could proceed.

Mr. Wales made a motion to approve the minutes of the August 12, 2014 regular meeting. Mr. Brick seconded the motion and the vote was 2-0 to approve the minutes of the August 12, 2014 meeting.

NEW BUSINESS

Item 1

Docket BA3-14-09 (Gethsemane Church of God):

The Applicant proposes to close a permit establishing a Church, and requests a Variance from the Section 1804.07 of the Cochise County Zoning Regulations, which requires a paved parking area. The Applicant requests to use the existing gravel parking area.

The subject parcel, 106-71-143, is located at 233 N. Canyon Drive in Sierra Vista, AZ. The Applicant is Gethsemane Church of God.

Chairman Brick called for the Planning Director's presentation of the Docket. Planner Peter Gardner delivered the report, illustrating the facts of the case utilizing photos, maps and other visual aids. He explained the proposed project and the nature of the requested Variances. He concluded by offering factors in favor and against approval.

Chairman Brick noted that the Applicant was present, and invited them to make a statement. The Applicant, Pastor Daniel Ramirez explained the nature of their project, as well as the conditions in the surrounding area. They explained the issues that had led to the delay in the work, and explained their plans for completion.

Chairman Brick called for Staff Summation and Recommendation. Mr. Gardner explained that Staff recommended Approval of the requested Variances.

Chairman Brick called for a motion. Ms. Barnard made a motion to grant the Variances as recommended by Staff citing the factors in favor. Mr. Brick seconded the motion and called for discussion. There was no further discussion, and Mr. Brick called for a vote.

The vote was 2-0 to approve the motion.

Item 2

Docket BA3-14-10 (Odds and Ends):

The Applicant proposes to use an existing non-conforming sign structure at a Retail Sales land use, and requests Variances from Article 19 of the Cochise County Zoning Regulations to permit the sign structure to be used in its current location which does not meet setback requirements from right of way and property boundaries.

The subject parcel, 106-70-083, is located at 549 E. Fry Boulevard in Sierra Vista, AZ. The Applicant is Stronghold Signs on behalf of Odds and Ends.

Chairman Brick called for the Planning Director's presentation of the Docket. Planner Peter Gardner delivered the report, illustrating the facts of the case utilizing photos, maps and other visual aids. He explained the proposed project and the nature of the requested Variances. He concluded by offering factors in favor and against approval.

Chairman Brick noted that the Applicant was present, and invited them to make a statement. The Applicant, James Malley of Odds and Ends explained the nature of their project, as well as the conditions in the surrounding area.

Chairman Brick called for Staff Summation and Recommendation. Mr. Gardner explained that Staff recommended Approval of the requested Variances.

Chairman Brick called for a motion. Ms. Barnard made a motion to grant the Variance as recommended by Staff citing the factors in favor, with the Variance applying to and future Permitted Use. Mr. Brick seconded the motion and called for discussion. There was no further discussion, and Mr. Brick called for a vote.

The vote was 2-0 to approve the motion.

Planning Director's Report:

Mr. Gardner offered a brief Director's Report informing the Board that there was one Docket for the next month, being an addition to a docket heard at a previous meeting. The proposed Comprehensive Plan update was also discussed, along with dockets heard by the Planning Commission.

Ms. Barnard made a motion to adjourn. Mr. Brick seconded, and the meeting was adjourned at 7:29 p.m.



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

MEMORANDUM

TO: Cochise County Board of Adjustment, District 3
FROM: Peter Gardner, Planner I
FOR: Beverly Wilson, Planning Director
SUBJECT: Docket BA3-14-08A (Arizona Trading, LLC)
DATE: October 1, 2014 for the October 14, 2014 Meeting

APPLICATION FOR VARIANCE

Docket BA3-14-08A (Arizona Trading, LLC):

The Applicant proposes to change the use of an existing Church to Retail Sales, and requests Variances from Section 1805.03.C. of the Cochise County Zoning Regulations, which requires all refuse containers at a non-residential use to be screened from view.

The subject parcel, 106-70-128, is located at 101 N. 6th Street in Sierra Vista, AZ. The Applicant is Arizona Trading, LLC.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

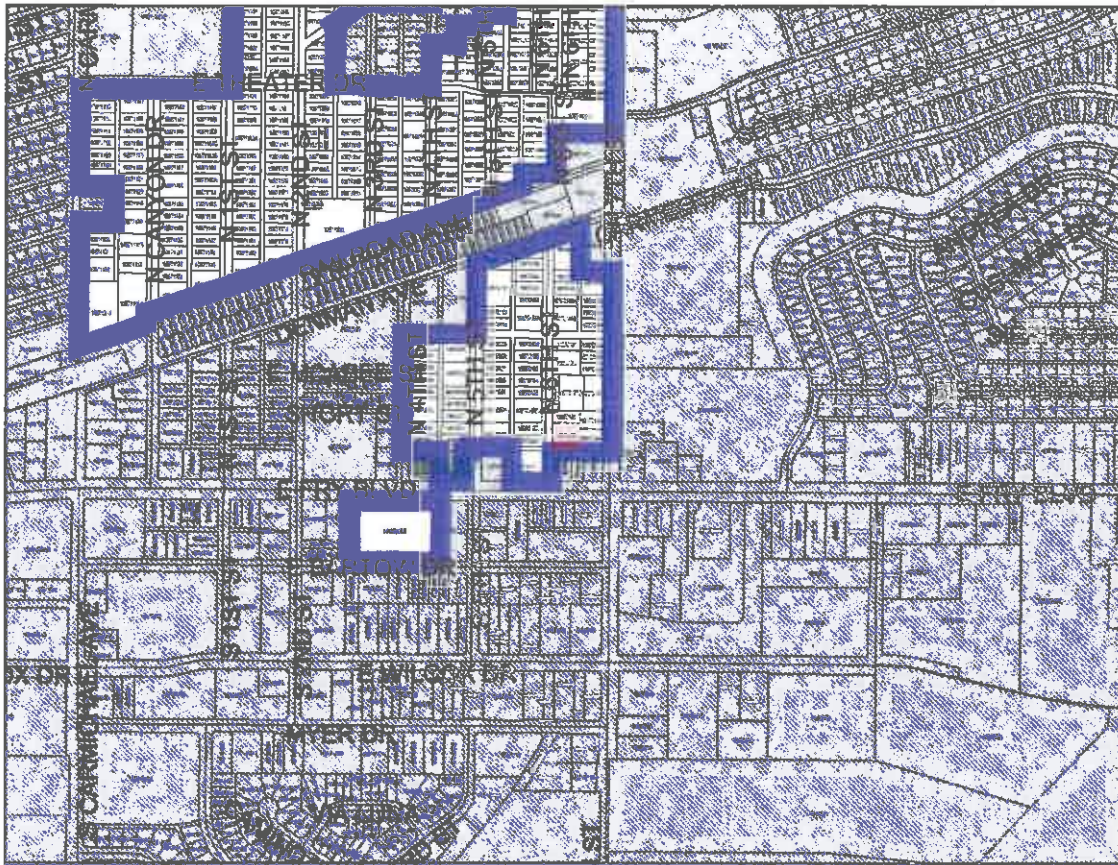
Site Size: 0.39-acres (16,800-square feet)
Zoning: GB (General Business)
Growth Area: Category A (Urban Growth Area)
Plan Designation: Enterprise Redevelopment
Area Plan: Sierra Vista Sub-Watershed
Existing Uses: Service Garage and Church
Proposed Uses: Service Garage and Retail Sales

Surrounding Zoning and Uses

Relation to Subject Parcel	Zoning District	Use of Property
North	GB	Single Family Residence
South	GC (City of Sierra Vista)	Office Buildings
East	GB	Office Building/Service Garage
West	County Maintained Road/GB	N. 6th Street/Retail Building

II. SITE HISTORY

- 1995 – Permit issued to establish a Service Garage
- 2000 – Permit issued to expand Service Garage
- 2003 – Permit issued for tenant improvements.



Above: Location Map

III. PROJECT DESCRIPTION

The Applicant proposes open a Retail Store in a space previously used by a Church. No new construction is proposed.

IV. ANALYSIS OF IMPACTS

The site has been in operation under various uses for 35-years. While the area has experienced growth, the project site is representative of an area with a high concentration of non-conforming uses and sites. At the present time, Staff is confident that permitting the site to remain as is with the change of use will not negatively impact surrounding properties or safety.

The dumpster had previously been located within the County Right-of-Way, in violation of County Zoning and Highway Regulations. The Applicant has relocated the dumpster onto their own property, however constructing a wall around the dumpster will further limit parking area as well as create a hazard in the parking lot. Due to the small size of the parking area, the Applicant is unsure at this time as to the best location for the dumpster, and therefore wishes to be exempt from the screening requirement to permit flexibility in its placement. While dumpsters are regarded as unsightly, an unscreened dumpster would not be unusual in this area.

V. PUBLIC COMMENT

The Department mailed notices to neighboring property owners within 300-feet. Staff published a legal notice in the *Bisbee Observer* on November 20. To date, the Department has received no correspondence from neighboring property owners



Above: View of the site looking east across N. 6th Street with the wall mounted sign visible.



Above: View of the previous location of the dumpster.

VI. SUMMARY AND CONCLUSION

Factors in Favor of Approving the Variances

1. Approving the Variances would not substantially impact neighboring properties;
2. The site cannot meet many of the current standards without a complete demolition and rebuild;
3. County government has been engaged in an ongoing effort to make government operations, administration of Zoning and other regulations, and permitting requirements more "business and customer friendly." Allowing the Variances would reinforce this effort without compromising safety or quality-of-life for area residents;
4. If the screening wall is built it will further decrease available parking and present a traffic hazard; and

5. The parcel is in an area designated as Enterprise Redevelopment under the Comprehensive Plan. This designation encourages flexible site development standards to permit business growth.

Factors Against Approving the Variances

None Apparent.

VII. RECOMMENDATION

Based on the Factors in Favor of Approval as Findings of Fact, Staff recommends **approval** of the Variance as requested.

Sample Motion: Mr. Chairman, I move to approve Docket BA3-14-08A, granting the Variances as requested by the Applicant, the Factors in Favor of approval constituting the Findings of Fact. Furthermore, the Variances shall apply to any current or future permitted use.

VIII. ATTACHMENTS

A. Location Map

